

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HENRY MOORE,	:	CIVIL ACTION
	:	
Petitioner,	:	
	:	
v.	:	NO. 06-4863
	:	
JAMES L. GRACE, et al.,	:	
	:	
Respondents.	:	

MEMORANDUM AND ORDER

Petitioner has filed objections to the Report and Recommendation in this case. Essentially, the objections which are labeled identically to the Report and Recommendation, (i.e., Objection A is to the Report and Recommendation's conclusion re: double jeopardy; Objection B, whether Sixth Amendment rights violated, etc.) are simply a rehash of the same arguments presented to the Magistrate Judge.

After careful review of the somewhat unusual procedural history of this case, I am satisfied that Magistrate Judge Henry S. Perkin has carefully considered the issues raised and correctly decided them.

There is no substantial showing by Petitioner of the denial of any constitutional right as the analysis of these rights in consideration of Petitioner's arguments makes perfectly clear.

AND NOW, this 14th day of May, 2008, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, the Response and Reply thereto, and after review of the Report and Recommendation of United States Magistrate Judge Henry S.

Perkin dated April 25, 2008, and Petitioner's objections filed May 12, 2008, it is hereby

ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DENIED with prejudice and DISMISSED without an evidentiary hearing; and
3. Because Petitioner has failed to make a substantial showing of the denial of any constitutional right, no certificate of appealability will issue.

BY THE COURT:

s/ Ronald L. Buckwalter

RONALD L. BUCKWALTER, S.J.